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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,672	04/14/2004	Richard M. Knox	5405-316CTIPDV	6285
20792	7590	08/22/2007		
MYERS BIGEL SIBLEY & SAJOVEC			EXAMINER	
PO BOX 37428			VARGOT, MATHIEU D	
RALEIGH, NC 27627			ART UNIT	PAPER NUMBER
			1732	
			MAIL DATE	DELIVERY MODE
			08/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/824,672	Applicant(s) KNOX ET AL.	
	Examiner Mathieu D. Vargot	Art Unit 1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2007 and 01 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10, 11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Upon reconsideration, the restriction requirement has been vacated and an action hereby follows on all pending claims 1-8, 10, 11 and 13-18.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 7, 10 and 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Rowland et al 5,512,219 (see col. 2, lines 7-15; col. 2, lines 41-52; col. 3, line 49 through col. 4, line 4; see Figures 2 and 3A-3F).

Rowland et al -219 discloses the instant method of forming localized positive optical power units on a second substrate by forming a plastic master first substrate which is coated with a metal protective layer and molding the power units onto a second substrate. See the above-noted passages and explanations of the above-noted figures.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5, 6, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowland et al -219.

The applied reference discloses the basic claimed method as set forth in paragraph 2, supra, Rowland et al -219 essentially failing to teach that the mold/first substrate would be designed using a computer, that it is made of photopolymer, that a nickel coating

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would be applied thereto over the aluminum coating, that the molding would be by embossing and that the projecting members are spherical or approximately spherical. It is submitted that each of these aspects would have been obvious over the disclosure of the applied reference. Clearly, computer aided design is conventional in the art and such would have been an obvious feature in the manufacture of the plastic mold to ensure accuracy as desired. While Rowland et al –219 does not teach using a photopolymer as the plastic for the mold, this is submitted as having been obvious over the thermoplastic taught therein. It is within the skill level of the art to pick and choose suitable resins for making molds. Since the mold has a metal protective coating, it would not be affected by the radiation used to cure the product substrate. The applied reference teaches aluminum and other metals as the protective layer—see col. 4, lines 20-22. The use of an additional nickel layer thereover would have been obvious for additional support and protection of the mold. Instant claim 8 is submitted as being obvious from the disclosure of the prior art at col. 2, lines 7-9. Since it is known to emboss in the prior art, it certainly would have been obvious to modify the method of Rowland et al –219 by heating the mold and embossing in lieu of casting and UV polymerizing the cast material. Making the projection members as spherical (ie, in lieu of prisms or Fresnel lens elements) is submitted to have been an obvious modification dependent on the exact optical article desired.

4.Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowland et al –219 in view of van de Ven (see col. 5, lines 51-55).

Rowland et al –219 is applied for reasons of record as set forth in paragraphs 2 and 3, supra, the primary reference failing to teach that the first substrate/mold would be manufactured by precision milling. In this regard, van de Ven is applied for reasons of record as set forth in the first office action, teaching this in the formation of a master mold. It is certainly conventional to fashion molds using precision milling and one of ordinary skill in the art would have found this to be an obvious step in the process of Rowland et al –219 to ensure that the mold is as accurate as possible.

5.Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's comments directed to previously applied Teshima et al have been noted. However, in view of the amendments to the claims, new art has been found which more closely meets the instant invention as claimed. While applicant also argues the dependent claims, it is respectfully submitted that these would also have been obvious over Rowland et al –219 as set forth in the rejection supra.

6.Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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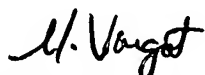
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on 571 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot
August 18, 2007


Mathieu D. Vargot
Primary Examiner
Art Unit 1732

8/19/07